



# California Regional Water Quality Control Board

## San Diego Region

**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

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### NOTICE OF PUBLIC HEARING AND NOTICE OF FILING

#### CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN DIEGO REGION

#### BASIN PLAN AMENDMENT MODIFYING PORTIONS OF CHAPTER 4, IMPLEMENTATION TO INCLUDE RAINBOW CREEK NUTRIENT TMDLS AND IMPLEMENTATION PLAN

**Wednesday, May 8, 2002  
9:00 A.M.**

**Hearing Room  
California Regional Water Quality Control Board, San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340**

#### **SUBJECT OF PUBLIC HEARING AND NOTICE OF FILING**

This public notice is to inform interested persons that the California Regional Water Quality Control Board, San Diego Region (Regional Board) will conduct a public hearing concerning proposed amendments to the *Water Quality Control Plan for the San Diego Region (9)* (Basin Plan).

#### **REGULATORY BASIS FOR ACTION**

California Water Code Section 13240 authorizes the Regional Board to revise the Basin Plan as needed. These revisions must be in accordance with the notice and hearing requirements of California Water Code Section 13244, 23 California Code of Regulations 3777 and 40 CFR 25.5.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The Regional Board is the California Environmental Quality Act (CEQA) Lead Agency for this project. The basin planning process is certified by the Secretary for Resources as being exempt from the CEQA requirement for preparation of an Environmental Impact Report (EIR) or negative declaration and initial study pursuant to Section 21080.5 of the Public Resources Code. Based upon this certification, the Basin Plan amendment, as well as the staff report, environmental checklist, and backup materials, serve as a "*functional equivalent*" to an EIR, negative declaration and initial study.

#### **AVAILABILITY OF DOCUMENT**

The proposed Basin Plan amendment and related documents will be available at the Regional Board office, at the above address, no later than March 22, 2002 on weekdays during business hours. These documents can also be accessed through

#### ***California Environmental Protection Agency***

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.*

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the Internet at the Regional Board website  
<[www.swrcb.ca.gov/rwgcb9](http://www.swrcb.ca.gov/rwgcb9)>.

## KEY ISSUES

Discharges of nitrogen and phosphorus in Rainbow Creek watershed of San Diego County, a tributary to the Santa Margarita River, do not meet the water quality objectives for biostimulatory substances. Concentrations of these nutrients were measured in the creek in 2000 and showed levels that exceeded the water quality objective. Contact and non-contact recreation, warm freshwater habitat, and wildlife habitat beneficial uses of Rainbow Creek are adversely affected by elevated nutrients.

This proposed Basin Plan amendment would incorporate the Total Maximum Daily Loads (TMDLs) and Implementation Plan for Nutrients within Rainbow Creek into Chapter 4 (Implementation) of the *Water Quality Control Plan for the San Diego Basin* (9).

The goals of the TMDLs and Implementation Plan are to reduce nitrogen and phosphorus concentrations in Rainbow Creek to meet the water quality objectives for biostimulatory substances and restore beneficial uses.

## PUBLIC WORKSHOP

Regional Board staff plans to schedule a workshop on this proposed Basin Plan amendment. Should you be interested in attending this workshop, please contact the person noted below.

## WRITTEN COMMENTS

The submittal of written comments on the proposed Basin Plan amendment is encouraged. Staff will prepare written responses to all comments received prior to [April 23, 2002](#). Written comments should be submitted to: Ms. Lisa Brown, Regional Water Quality Control Board, San Diego Region, 9174 Sky Park Court, Suite 100, San Diego, CA 92123-4340.

## HEARING PROCEDURES

At the public hearing, the Regional Board will accept comments and testimony relevant to this

proposed Basin Plan amendment both orally and in writing. Time limitations on oral presentations may be imposed. Oral and written testimony should be summarized to the degree possible. Groups are encouraged to designate a spokesperson. All exhibits, including charts, graphs, and other material presented as evidence must be left with the Regional Board because they become part of the administrative record.

Additional or alternative rules/regulations consistent with the proposed Basin Plan amendment and complimentary to the specific proposed rules are under consideration or may be developed at the hearing as a logical outgrowth of the testimony. Accordingly changes to the proposed Basin Plan amendment may be made at the Public Hearing. At the conclusion of the Public Hearing, the Regional Board will consider adoption of the Basin Plan amendment.

## INFORMATION REGARDING PUBLIC HEARING

Parking is available at the hearing location.

The hearing room facilities are accessible to persons with disabilities. Individuals who require special accommodations are requested to contact Ms. Lori Costa at (858) 467-2357 at least 5 working days prior to May 8, 2002. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Questions concerning this notice may be directed to Lisa Brown, Environmental Scientist, Pollutant Load Reduction Unit, at (858) 467-2960 or email at <[browl@rb9.swrcb.ca.gov](mailto:browl@rb9.swrcb.ca.gov)>.

Thank you for your interest in the Basin Plan and the protection of water quality.

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John Robertus  
Executive Officer

March 21, 2002